

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY VALLETTA

UNCLAS STATE 056117

FOLLOWING SENT ACTION SECSTATE WASHDC MARCH 24, 1973 FROM
USUN NEW YORK IS REPEATED TO YOU: QUOTE

UNCLAS USUN 1036

E. O. 11652: NA/ A

TAGS: PBOR, UN

SUBJ: LOS: WORKING GROUP 2 OF SUBCOMMITTEE III,
SEVENTH AND EIGHTH MEETINGS, MARCH 22, 1973

1. DISCUSSED MEASURES FOR PREVENTION OF POLLUTION (TITLE
OF ARTICLE II OF CANADIAN PROPOSAL) WITH MUCH OF
DISCUSSION FOCUSING ON ARTICLE II OF THE CANADIAN
PROPOSAL AND PRINCIPAL (A) OF AUSTRALIAN PROPOSAL, AND
TO A LESSER EXTENT ARTICLE 1 AND 2 OF THE 7 U. S. S. R.
PROPOSAL, AND ARTICLES 2 AND 5 OF THE MALTESE PROPOSAL.

2. LDC' S (INCLUDING INAIDA, TRINIDAD AND TOBAGO,
FIJI, AND PERU) EXPRESSED CONCERN THAT PREVENTION OF
MARINE POLLUTION AY CONFLICT WITH ECONOMIC DEVELOP -
MENT. U. K. STRESSED NEED TO BALANCE THE COST OF
PREVENTING POLLUTION AGAINST OTHER LEGITIMATE USES OF
THE SEA. PERU STRESSED THAT IN TAKING MEASURES
TO PROTECT THE MARINE ENVIRONMENT WE SHOULD NOT MERELY
TRANSFER THE EFFECTS OF POLLUTION FROM ONE AREA TO
ANOTHER.

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3. U. S. DEL EMPHASIZED THE UNDERLYING ISSUES FACING WORKING GROUP IN PREVENTING POLLUTION OF THE MARINE ENVIRONMENT. ALL STATES MUST MAKE BROAD ECONOMIC DECISIONS THAT AFFECT NOT ONLY RESOURCE DEVELOPMENT, BUT INDUSTRIALIZATION POLICY AND NAVIGATION. MOST DEVELOPED COUNTRIES RECOGNIZE THAT THEY HAVE PAID A PRICE FOR POLLUTION CAUSED BY INDUSTRIALIZATION AND HAVE TAKEN EXPENSIVE STEPS TO CORRECT THE ENVIRONMENTAL PROBLEMS. HE MADE STRONG ARGUMENT AGAINST COASTAL STATE POLLUTION RULE- MAKING AUTHORITY AND IN FAVOR OF INT' L STANDARDS. HE INDICATED THAT IN THE AREA OF OFFSHORE RESOURCE DEVELOPMENT SUCH COASTAL STATE RULES WOULD, BECAUSE OF COMPETITIVE PRESSURES, TEND TO BE INADEQUATE. WITH RESPECT TO COASTAL STANDARDS CONCERNING VESSEL POLLUTION, THE ECONOMIC DETRIMENTS OF SUCH COASTAL STATE RULES WOULD BE FELT BY THE MARITIME STATES, CONSUMING STATE, AND PRODUCING STATES. FURTHERMORE, COASTAL STATE STANDARDS WOULD NOT BE SATISFACTORY AS THERE WOULD BE EFFECTS ON NEIGHBORS. HE STRESSED THAT DIFFERENT SOURCES OF POLLUTION SHOULD BE TREATED DIFFERENTLY. HE INDICATED THAT LAND- BASED POLLUTION WAS UNLIKELY TO BE HANDLED IN DETAIL BY THIS COMMITTEE. VESSEL POLLUTION CAN RESULT FROM ACCIDENTS OR INTENTIONAL

DISCHARGES AND CONTROL OF THIS SOURCE GOES TO THE HEART OF LOS. STANDARDS MUST BE INT' L. IT IS NOT THE FUNCTION OF COMMITTEE TO WRITE TECHNICAL STANDARDS. THIS COMMITTEE CAN WRITE AN OBLIGATION IN THIS REGARD SIMILAR TO ARTICLE 10 OF THE 1958 HIGH SEAS CONVENTION. WITH RESPECT TO SEABED EXPLOITATION IN AREAS UNDER COASTAL STATE JURISDICTION, SEABED AUTHORITY CAN ELABORATE AGREED MINIMUM ENVIRONMENTAL STANDARDS.

4. AMLTA (PARDO) SUGGESTED THAT THE TREATY HAVE NO STANDARDS CONCERNING LAND- BASED POLLUTION, LIMITED GENERAL STANDARDS FOR POLLUTION WITHIN NATIONAL JURISDICTION AND INT' L STANDARDS OUTSIDE NATIONAL JURISDICTION. HE INDICATED THAT STATES SHOULD ONLY BE HELD LIABLE FOR SIGNIFICANT POLLUTION OUTSIDE THEIR JURISDICTION. HE STRESSED THAT STATES HAD THE RIGHT TO POLLUTE WITHIN THEIR OWN JURISDICTION AND WERE ONLY LIABLE FOR DAMAGE OUTSIDE THEIR JURISDICTION.
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